HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A.M.P.No.2647 of 2006 in
W.A.S.R.No.129354 of 2006 &
W.A. No.1302 of 2006

Between

Harikishan Aggarwal ..Petitioner/Appellant

AND

N.Raj Kumar and others ..Respondents/ Respondsents

:: JUDGMENT ::

Counsel for the Petitioner: Smt.S.Komalatha for Sri J.Prabhakar

Counsel for the respondents: Sri V.Venkataramana for respondent No.1

Government Pleader for Revenue for respondents 2 and 3

8.12.2006

Per G.S.Singhvi, CJ

This is an application by Hari Kishan Agarwal, S/o Mahadev Prasad, resident of H.No.1-5-6/33, Srikrishna Colony,

Musheerabad, Hyderabad for grant of leave to file appeal against order dated 27.10.2006 passed by the learned Single Judge in W.P.No.19174 of 2006.

We have heard Smt.S.Komalatha, counsel appearing for Sri J.Prabhakar, learned counsel for the applicant, Sri V.Venkata Ramana, Advocate for non applicant No.1 and the Government Pleader for non-applicants 2 and 3 and perused the record.

In our opinion, the direction given by the learned Single Judge for demarcation of disputed property after issuing notice to all the parties/ owners in terms of Section 9(2) of the Andhra Pradesh Survey and Boundaries Act, 1923, does not in any manner affect the existing and vested right of the applicant in respect of property in question. Therefore, the prayer made by him for grant of leave to file the appeal does not deserve to be entertained.

With the above observation, the application is dismissed. However, it is made clear that the order passed by the learned Single Judge against which leave has been sought by the applicant, shall not affect his right in any manner whatsoever.

As a sequel to dismissal of W.A.M.P., W.A.S.R.No.129354 of 2006 filed by the applicant is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

8.12.06.

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